

**IN THE IOWA DISTRICT COURT IN AND FOR
BLACK HAWK COUNTY**

This Complaint and Affidavit is to be:

- ☒ Filed with Court Clerk (cc: CA)
☐ Submitted to County Attorney
☐ Filed with JCO - Defendant is a Juvenile

Agency Case Number: **2021008190**

Arrest Date: _____

THE STATE OF IOWA

VS.

OFFENDER

Last ALVAREZ-VICTORIANO		First MARCELINO		Middle	Suffix	
Address 824 WEST 8TH STREET			City WATERLOO		State IA	Zip Code 50701
DL#	State MX	DL Class	DL Endorsements		DL Restrictions	
Date of Birth 04/05/1977	Gender MALE	Race UNKNOWN - U		Ethnicity HISPANIC ORIGIN - H		
Height 5' 02"	Weight 145 LBS	Eye Color BROWN - BRO		Hair Color BLACK - BLK		

OFFENSE

State <input checked="" type="checkbox"/> County <input type="checkbox"/> Local <input type="checkbox"/>	Code Section 708.3A(4)	Crime Description ASSAULT ON PERSONS IN CERTAIN OCCUPATIONS		Speed	in	Zone
Class SRMS		Serious P.I. <input type="checkbox"/>	Fatal Accident <input type="checkbox"/>	Civil Damage Assessment <input type="checkbox"/>	Other <input type="checkbox"/>	
Location Type 13 - HIGHWAY/ROAD/ALLEY						
Literal Description INTERSECTION OF WEST 6TH STREET & COMMERCIAL STREET						
Address WEST 6TH ST & COMMERCIAL ST			City WATEROO		State IA	Zip Code 50701
Is Date and Time of Incident Known? YES	Incident Date or Low Range 04/07/2021	Upper Date Range	Incident Time or Low Range 00:52		Upper Time Range	

STATUS OF OFFENDER/JUVENILE

<input type="checkbox"/> TAKEN INTO CUSTODY	CUSTODY	<input type="checkbox"/> SUMMONS TO APPEAR (Citation Issued)
<input checked="" type="checkbox"/> WARRANT REQUESTED	<input type="checkbox"/> NO CONTACT ORDER REQUESTED	<input type="checkbox"/> RELEASED TO PARENT/GUARDIAN

NARRATIVE

Narrative of Offense Committed

On or about the above stated date and time, the Defendant did assault Black Hawk County Sheriff's Deputy B ☐ D ☐, a peace officer, jailer, correctional staff, member or employee of board of parole, health care provider, employee of the department of human services or firefighter, knowing that Deputy D ☐ was a peace officer, jailer, correctional staff, member or employee of board of parole, health care provider, employee of the department of human services or firefighter


AFFIDAVIT

STATE OF IOWA, BLACK HAWK COUNTY

I, the undersigned, being duly sworn, state that all facts contained in this Complaint and Affidavit, known by me or told to me by other reliable persons form the basis for my belief that the defendant committed this crime

State all facts and persons relied upon supporting elements of alleged crime

On 4/7/21, at approximately 12:45 a.m., Black Hawk County Dispatch received a 911 call reporting that a male subject was walking down Commercial Street, towards downtown Waterloo, with a rifle or a shotgun. At approximately 12:52 am, a Black Hawk County Sheriff's Deputy encountered the subject, later identified as Marcelino Alvarez-Victoriano, by the bridge near the intersection of Commercial Street and West 6th Street. The first Deputy was in full uniform and driving a fully marked patrol vehicle. As the Deputy exited his vehicle, the subject grabbed what appeared to be a long gun, from a concrete barrier next to him, and pointed it at the Deputy. Alvarez-Victoriano spoke to Deputy in an aggressive manner, and advanced with his weapon pointed at him. The Deputy drew his service weapon and retreated to the cover of his patrol vehicle. Alvarez-Victoriano continued to pursue the Deputy around his vehicle, pointing his weapon at him. As the Deputy continued to seek cover, another Black Hawk County Sheriff's Deputy arrived and attempted to strike Alvarez-Victoriano with his patrol vehicle. Alvarez-Victoriano side-stepped the vehicle and then advanced towards the second deputy's vehicle, shouldering his weapon at him through the back window. Both deputies were in uniform and driving fully marked patrol vehicles. Alvarez-Victoriano then returned to pursuing the first Deputy around his vehicle, refusing to drop his weapon, as directed. A responding Waterloo Police Officer arrived on scene and shot Alvarez-Victoriano. Alvarez-Victoriano was ultimately transported to University of Iowa Hospitals & Clinics for treatment for gunshot wounds and related injuries. The weapon that Alvarez-Victoriano was holding was later determined to be an airgun. An assault was committed upon the first Deputy by pursuing him around the vehicle and pointing the weapon at him without justification.



REGER, SCOTT

I168

Signature of Complainant or Officer, Officer Name & Number

GENERAL PROBABLE CAUSE

Defendant Implicated

08 - CRIME OBSERVED BY OFFICERS

Operating Motor Vehicle in County

Other Physical Evidence

Attempted To Inflict Injury

STATE OF IOWA,

BLACK HAWK COUNTY



Subscribed and sworn to before me by the person(s) signing the Complaint and Affidavit(s) on 04/08/2021

Notary Name

S.HERBST

Signature of Verifying Party

Commission Number

705752



My Commission Expires

09/28/2021



Peace Officer



Notary



Prosecuting Attorney